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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,844	01/03/2001	Stephan Meyers	042933/319992	3228
826 7590 04/04/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER VU, THANH T	
			ART UNIT	PAPER NUMBER
			2174	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/753,844

Applicant(s)

MEYERS ET AL.

Examiner

Thanh T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5 and 14-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 14-24, 25-28, and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, filed 01/12/2007.

Claims 1, 3, 5, 14-24, 25-28, and 29 are pending in this application. This action is made Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 14-15, 19-23, 25-28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859), Humes (U. S. Pat No. 5,996,011), Swift (U.S. Pat No. 6,895,111), and Crawford (U.S. Pat. No. 6,781,608).

Per claim 1, Lynn teaches a system for providing discretionary viewing control in displaying data, comprising:

a display for displaying data, the display comprising a plurality of pixels (col. 1, lines 50-53; col. 4, lines 63-67; col. 5, lines 15-30) and

an integrated circuit in connection with said display for processing said data (col. 4, lines 53-62), wherein, for each of the plurality of pixels, said data comprises at least first and second portions of data that are linked together, the first portion including payload data (fig. 2 and 3; col. 1, lines 43-50; col. 5, lines 22-30) and the second portion including metadata (fig. 3; col. 1, lines 50-67), wherein said payload data comprises content for the pixel (fig. 2 and 3; col. 1, lines 43-50; col. 5, lines 22-30) and said metadata comprises a value selected from a predefined set of

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values which classified the pixel independently for other pixels (fig. 3; col. 1, lines 50-67; col. 3, lines 14-25; col. 4, lines 10-24), whereby, because each of the pixels are individually classified according to a particular metadata value selected from the predefined set of values, said integrated circuit is able to perform operation on individuals pixels based on their metadata (fig. 3; col. 1, lines 50-67; col. 3, lines 14-25; col. 4, lines 10-24).

Lynn does not specifically teach said data is image data, and a filter for obscuring the content of only a plurality of pixels that has a metadata value that exceeds a discretionary threshold value without preventing the display of the content of the plurality of pixels that does not have a metadata value that exceeds the discretionary threshold value. However, Humes teaches a filter for blocking the content of only a plurality of pixels that has a metadata value that exceeds a discretionary threshold value without preventing the display of the content of the plurality of pixels that does not have a metadata value that exceeds the discretionary threshold value (col. 2, lines 56-63; col. 3, lines 1-8; col. 4, lines 55-58). Swift teaches said data is image data, and a filter for detecting the content of a plurality of pixels that has a metadata value that exceeds a discretionary threshold value (figs. 2 and 3; image file analysis 160; col. 3, lines 10-47). Crawford teaches technique for obscuring the content of the image data (col. 1, lines 35-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Humes and Crawford in the invention of Lynn in order to allow the user to download and view only the portions of the web page which are not objectionable, to provide a provide a method for evaluating a graphic image for the presence of objectionable visual content, and to provide a blurred view of data content that is objectionable.

Claim 3 is rejected under the same rationale as claim 1.

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Claim 14, is rejected under the same rationale as claim 1.

Per claim 15, Lynn teaches the data frame of claim 14, wherein the content comprises multiple channels of content (col. 1, lines 43-50; col. 5, lines 22-30).

Claim 19 is rejected under the same rationale as claim 1.

Per claim 20, Lynn teaches the system of claim 19, wherein the processing means comprises hardware, software and/or firmware (fig. 1b; col. 3, lines 43-65).

Per claim 21, Lynn teaches the system of claim 19, wherein the processing means comprises a graphic board, a browser of markup language documents, and/or an email program (figs. 2 and 3; col. 5, lines 43-65; col. 4, lines 20-24 and lines 39-45).

Per claim 22, Lynn teaches the system of claim 19, wherein the particular categories comprises violent content, pornographic content, and advertisements (figs. 2 and 3; col. 1, lines 43-50; col. 5, lines 22-26).

Claim 23 is rejected under the same rationale as claim 2.

Per claim 25, Crawford teaches wherein obscuring the content of only a plurality of pixel comprises at least one of blurring, scrambling, and displaying the pixels as black, showing only silhouette (fig. 10A; col. 1, lines 35-40).

Claim 26 is rejected under the same rationale as claim 25.

Claim 27 is rejected under the same rationale as claim 25.

Claim 28 is rejected under the same rationale as claim 25.

Claim 29 is rejected under the same rationale as claim 1.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859), Humes (U. S. Pat No. 5,996,011), Swift (U.S. Pat No. 6,895,111), Crawford (U.S. Pat. No. 6,781,608) and Reilly (U.S. Pat. No. 6,580,422).

Per claim 5, the modified Lynn teaches the method of claim 3, but does not teach wherein the display is a display on a wireless terminal, and the step of supplying image data to the display comprises supplying said image data to the display on the wireless terminal. However, Reilly teaches the display is a display on a wireless terminal, and the step of supplying data to the display comprises supplying said data to the display on the wireless terminal (col. 2, lines 1-10 and lines 23-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the wireless computer as taught by Reilly in the invention of the modified Lynn in order to provide users with transfer of display information to a remote computer through a wireless data link.

Claims 16-17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No 6,595,859) in view of Humes (U. S. Pat No. 5,996,011), Swift (U.S. Pat No. 6,895,111), Crawford (U.S. Pat. No. 6,781,608) and Blumenau (U.S. Pat. No. 6,108,637).

Per claim 16, the modified Lynn teach the system of claim 1, but does not teach wherein the integrated circuit comprises means for displaying a display metric, said display metric being the result of multiplying the number of pixels having certain metadata value by the amount of time the pixels are visible on the display. However Blumenau teaches the integrated circuit comprises means for displaying a display metric, said display metric being the result of multiplying the number of pixels having certain metadata value by the amount of time the pixels are visible on the display (fig. 4A-4F; col. 7, lines 9-30; col. 14, lines 1-19). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Blumenau in the invention of the modified Lynn in order to determine as to whether and for how long the content display is fully or partially hidden by other displayed images. This information can be useful to indicate the amount of time that the content display was visible to an observer and to aid the content provider in determining which regions of a display screen the content is most likely to be unobstructed.

Claim 17 is rejected under the same rationale as claim 16.

Claim 24 is rejected under the same rationale as claim 16.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn (U.S. Pat. No. 6,595,859) in view of Humes (U. S. Pat No. 5,996,011), Swift (U.S. Pat No. 6,895,111), Crawford (U.S. Pat. No. 6,781,608), and Applicant Admitted Prior Art (AAPA).

Per claim 18, the modified Lynn teaches the image data frame of claim 14, but does not teach wherein the payload data comprises a red channel, a blue channel, a green channel, a Z-buffering channel, and an alpha channel. However, AAPA teaches the payload data comprises a red channel, a blue channel, a green channel, a Z-buffering channel, and an alpha channel (Page 6, lines 3-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of AAPA in the invention of the modified Lynn in order for a computer to process and to display a desired mix of colors for images on a computer screen.

Response to Arguments

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Applicant's primary argument is that Lynn does not teach "the plurality of pixels having a first portion in including payload data and the second portion including metadata" (page 19 of remarks).

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Lynn reads on the claim limitation of the plurality of pixels having a first portion in including payload data (*payload data: a prize available at a particular coordinate, see col. 1, lines 56-62; col. 3, lines 30-41*), and the second portion including metadata (*metadata: x-y coordinates for winning pixel, see col. 1, lines 50-67; col. 4, lines 10-24*).

In addition, the ^{applicant?} application also points out that "nowhere in the cited portion of the Humes either individually or in combination with Lynn, Swift and Crawford, is there any mention, teaching or suggestion relating to a filter for blocking the content of only a plurality of pixels that has metadata value that exceeds a discretionary threshold value."

The examiner does not agree for the following reasons:

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During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Humes teaches a filter for blocking the content of only a plurality of pixels that are forbidden (see, col. 3, lines 5-9, *certain portions of the web page are being blocked. It is noted that the portions of the web page that are being blocked can contain plurality of pixels*). Swift teaches a filter for detecting the content of a plurality of pixels that has a metadata value that exceeds a discretionary threshold value (figs. 2 and 3; threshold 190; col. 3, lines 10-47). Accordingly, Humes and Swift read on the claimed limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100